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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,002	02/16/2001	Leo Driessen	CS1089#SP	3636

7590 10/28/2004

The Black & Decker Corporation
701 East Joppa Road
Towson, MD 21286

EXAMINER

LOPEZ, MICHELLE

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 10/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/788,002

Applicant(s)

DRIESSEN, LEO

Examiner

Michelle Lopez

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6,8-16,18 and 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6,8-16,18 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. In view of the Appeal Brief filed on July 30, 2004, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 6, and 8-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Bone (US 6,286,611).

Bone'611 discloses a body having a motor "20", a first output shaft "24" that is operatively coupled to the motor, an attachment "50" to be selectively fixed with the body, wherein the attachment includes an input shaft "102" for operative engagement with the first output shaft of the body when the attachment is engaged with the body, and wherein the attachment includes a further output shaft "114" for transmitting rotational motion derived from rotational motion of the attachment input shaft "102"; a lock (not shown numerically) having a first portion that is associated with the body and a second portion that is associated with the attachment, wherein the lock being operable in a locked condition wherein the first and second portions are engaged to one another to thereby secure the body and the attachment together, and the lock being further operable in an unlocked condition wherein the first and second portions are disengaged from one another to permit the attachment to be removed from the body (see col. 6; lines 23-47); the body and the attachment have a respective gear mechanism for causing a change in rotational speed as between the input and the output of the respective gear mechanism, thereby providing a serially-coupled gear mechanism (see col. 2; lines 9-20, 43-50, and col. 9; lines 19-58).

With regards to claim 1, the lock provides an operator with a tool-less means by which the operator may couple the attachment to the body via a push button (col. 6; lines 40-47).

With regards to claims 2 and 16, the gear mechanism "32" of the body is between the motor "20" and the first output shaft "24".

With regards to claim 3, the gear mechanism of the attachment is between the attachment input shaft "102" and the further output shaft "114".

With regards to claim 4, the ratio of input rotational speed to rotational output speed for each respective gear mechanism is fixed (see col. 1; lines 56-67, col. 2; lines 1-19).

With regards to claim 6, the first input shaft and the attachment input shaft are splined for axial engagement with each other (see col. 2; lines 43-50).

With regards to claim 8, Bone'611 discloses a plurality of attachment, each one of which may operatively engage with the body (see col. 1; lines 56-67).

With regards to claims 9, 10, and 15, Bone'611 discloses that the gear mechanism "32" of the body is operable to change a rotational ratio from the motor to the output shaft of the body, wherein the gear mechanism of the attachment is operative for changing a rotational ratio from the output shaft of the body to an output of the attachment, mediating the rotational speed of the power tool (see col. 8; lines 33-58).

With regards to claim 11, Bones'611 discloses a first gear arrangement disposed within the body operative for non-adjustably changing a rotational ratio from the motor to an output of the body (see Fig. 1), a second gear arrangement disposed within the attachment engaging and driven by the first gear arrangement when the attachment is fixed to the body (see Fig. 7), and a lock for releasably coupling the body and the attachment, wherein the lock includes a first lock portion and a second lock portion being configured to engage the first lock portion in response to a manual input applied from a hand of an operator directly to the lock via a push button (see col. 2; lines 23-47)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bone (US 6,286,611) in view of Curtiss (4,274,304) and or in view of applicant's admitted prior art.

Bone'611 discloses the invention substantially as claimed but does not explicitly show an epicyclic gearbox for each gearing mechanism.

However, Curtiss'304 teaches the use of an epicyclic gear box with a motor and tool attachment arrangement as in column 2, lines 18-45 for the purpose of compact lightweight design as in column 2, lines 45-60. Therefore, it would have been obvious to one having ordinary skill in the art to provide Bone's invention with an epicyclic gear box in order for compact and lightweight design as is commonly practiced in the art.

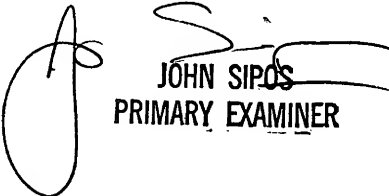
Furthermore, this modification is further made obvious by applicant's statement on page 57, lines 7-11, that those skilled in the art would recognize the use of an epicyclic gear reduction mechanism is standard practice, therefore, the epicyclic gear reduction mechanism is not described in detail in the specification.

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Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Miller'000 and Yorde'127 are cited to show related inventions.
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle Lopez whose telephone number is 703-305-8205. The examiner can normally be reached on Monday - Thursday: 8:00 am - 6:00 pm.
6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 703-308-2187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ML


JOHN SIPOS
PRIMARY EXAMINER